

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on April 2, 2007 at 6:09 P.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** Rep. George Everett (R)

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: None  
Executive Action: SB 346, SB 41, SB 383, SB 347, SB  
146, SB 350, SB 379, SB 523, SB  
227, SB 348, SB 342, SB 382, SB  
411, SB 278

**EXECUTIVE ACTION ON SB 346**

00:01:04 **Motion/Vote:** Rep. Stoker moved to **RECONSIDER THE MOTION on SB 346**. Motion carried 10-1 by roll call vote, present and voting with Rep. Kottel voting no. Reps. Gallik, Everett, Raser, Driscoll, McGillvray, and Jore absent from room.

00:02:33 **Motion:** Rep. Stoker moved that **SB 346 BE CONCURRED IN**.

**Discussion:**

00:03:14 Rep. Rice  
00:03:18 Rep. French  
00:04:19 Rep. Koopman  
00:04:31 Rep. Ebinger

00:05:54 **Vote:** Motion that **SB 346 BE CONCURRED IN** carried 14-3 by roll call vote with Reps. Raser, Koopman and Kottel voting no. Reps. Gallik, Everett, McGillvray, and Jore voting by proxy. Rep. Peterson to carry on House Floor.

**EXECUTIVE ACTION ON SB 41**

00:07:36 Rep. Kottel

00:07:59 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN**.

**Discussion:**

00:08:38 Rep. Kottel  
00:08:51 Mr. Niss  
00:09:05 Rep. Peterson

00:10:14 **Vote:** Motion that **SB 41 BE CONCURRED IN** carried 14-3 by roll call vote with Reps. Peterson, McGillvray and Ebinger voting no. Reps. Everett and McGillvray voted by proxy. Rep. Kottel to carry on House Floor.

**EXECUTIVE ACTION ON SB 383**

00:11:46 **Motion:** Rep. Stoker moved that **SB 383 BE CONCURRED IN.**

00:12:23 **Motion:** Rep. Gallik moved that **SB 383 BE AMENDED** from hearing on 3/20/07.

**Discussion:**

00:12:40 Rep. Gallik

00:13:45 Rep. Ebinger

00:14:39 Rep. Peterson

00:14:50 **Vote:** Motion that **SB 383 BE AMENDED** carried 14-3 by voice vote with Reps. Jore, McGillvray and Rice voting no. Rep. Everett voted by proxy.

00:15:17 **Motion:** Rep. Stoker moved that **SB 383 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:15:31 Rep. Peterson

00:17:03 Rep. Stoker

00:17:42 **Vote:** Motion that **SB 383 BE CONCURRED IN AS AMENDED** failed 3-14 by voice vote with Reps. Koopman, Gallik and Ebinger voting aye. Rep. Everett voted by proxy.

00:18:10 **Motion/Vote:** Rep. Stoker moved that **SB 383 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Everett voted by proxy.

**EXECUTIVE ACTION ON SB 347**

00:18:43 **Motion:** Rep. Stoker moved that **SB 347 BE CONCURRED IN.**

**Discussion:**

00:18:53 Rep. Jore

00:19:36 Rep. Stoker

00:20:05 **Vote:** Motion that **SB 347 BE CONCURRED IN** failed 7-10 by voice vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger and Gallik voting aye. Rep. Everett voted by proxy.

00:20:41 **Motion/Vote:** Rep. Stoker moved that **SB 347 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Everett voted by proxy.

**EXECUTIVE ACTION ON SB 146**

00:21:21 **Motion:** Rep. Stoker moved that **SB 146 BE CONCURRED IN**.

**Discussion:**

00:21:30 Rep. Stoker

00:22:11 **Vote:** Motion that **SB 146 BE CONCURRED IN** carried 15-2 by voice vote with Reps. Jore and McGillvray voting no. Rep. Everett voted by proxy. Rep. Stoker to carry on House Floor.

**EXECUTIVE ACTION ON SB 350**

00:22:54 **Motion:** Rep. Stoker moved that **SB 350 BE CONCURRED IN**.

**Discussion:**

00:23:09 Rep. Stoker

00:23:44 Rep. Kerns

00:23:48 Rep. McGillvray

00:23:55 Rep. Jore

00:24:01 Rep. Gallik

00:24:48 Rep. Ward

00:25:14 Rep. Peterson

00:25:40 Rep. O'Hara

00:26:04 Rep. McGillvray

00:26:22 **Vote:** Motion that **SB 350 BE CONCURRED IN** carried 9-8 by voice vote with Reps. Stoker, Koopman, Kerns, McGillvray, Ward, Jore, Everett, and Rice voting no. Rep. Everett voted by proxy. Rep. O'Hara to carry on House Floor.

**EXECUTIVE ACTION ON SB 379**

00:27:31 **Motion:** Rep. Stoker moved that **SB 379 BE CONCURRED IN**.

00:27:47 **Motion:** Rep. Kottel moved that **SB 379 BE AMENDED** with amendment from hearing on 3/26/07.

**Discussion:**

00:27:56 Rep. Kottel

00:29:18 **Vote:** Motion that **SB 379 BE AMENDED** carried 16-1 by voice vote with Rep. Jore voting no. Rep. Everett voted by proxy.

00:29:35 **Motion:** Rep. Stoker moved that **SB 379 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:29:46 Rep. Peterson

00:30:32 Rep. Kottel

00:32:28 **Vote:** Motion that **SB 379 BE CONCURRED IN AS AMENDED** carried 12-5 by voice vote with Reps. Jore, Kerns, Peterson, McGillvray, and Rice voting no. Rep. Everett and Rep. French voted by proxy. Rep. Kottel will carry on House Floor.

**EXECUTIVE ACTION ON SB 523**

00:34:18 **Motion/Vote:** Rep. Stoker moved that **SB 523 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Everett voted by proxy. Rep. Peterson to carry on House Floor.

**EXECUTIVE ACTION ON SB 227**

00:35:17 **Motion:** Rep. Stoker moved that **SB 227 BE CONCURRED IN.**

00:35:47 **Motion:** Rep. Gallik moved that **SB 227 BE AMENDED.**  
**EXHIBIT(juh70b01)**

00:36:54 Rep. Peterson

00:37:15 Rep. Gallik

00:38:23 Rep. Peterson

00:38:43 **Vote:** Motion that **SB 227 BE AMENDED** carried unanimously by voice vote. Rep. Everett voted by proxy.

00:38:56 **Motion:** Rep. Stoker moved that **SB 227 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:39:09 Rep. Jore

00:39:45 **Vote:** Motion that **SB 227 BE CONCURRED IN AS AMENDED** carried 12-5 by voice vote with Reps. Jore, Gallik, McGillvray, Ebinger, and Rice voting no. Rep. Everett voted by proxy. Rep. Peterson to carry on House Floor.

**EXECUTIVE ACTION ON SB 348**

00:40:46 **Motion/Vote:** Rep. Stoker moved that **SB 348 BE CONCURRED IN**. Motion carried 14-3 with Reps. Jore, Koopman and McGillvray voting no. Rep. Everett voted by proxy. Rep. Ebinger to carry on House Floor.

**EXECUTIVE ACTION ON SB 342**

00:41:58 **Motion:** Rep. Stoker moved that **SB 342 BE CONCURRED IN**.

00:42:14 **Motion:** Rep. Kottel moved that **SB 342 BE AMENDED** with amendment from Hearing on 3/20/07.

**Discussion:**

00:42:24 Rep. Kottel

00:43:02 **Vote:** Motion that **SB 342 BE AMENDED** carried unanimously by voice vote. Rep. Everett voted by proxy.

00:43:12 **Motion/Vote:** Rep. Stoker moved that **SB 342 BE CONCURRED IN AS AMENDED**. Motion carried 10-7 by voice vote with Reps. Koopman, Kerns, Peterson, McGillvray, Ward, Jore, and Rice voting no. Rep. Everett voted by proxy. Rep. Kottel to carry on House Floor.

**EXECUTIVE ACTION ON SB 382**

00:44:31 **Motion:** Rep. Stoker moved that **SB 382 BE CONCURRED IN**.

**Discussion:**

00:45:05 Rep. Jore

00:45:40 Rep. Gallik

00:46:32 Rep. Peterson

00:47:16 Rep. McGillvray

00:48:19 Rep. Kottel

00:50:47 Rep. French

00:51:23 Rep. O'Hara  
00:51:59 Rep. McGillvray  
00:52:23 Rep. Kottel  
00:53:17 Rep. Gallik

00:53:59 **Vote:** Motion that **SB 382 BE CONCURRED IN** carried 13-4 by roll call vote with Reps. Kerns, McGillvray, Jore, and Rice voted no. Rep. Everett voted by proxy. Rep. Gallik to carry on House Floor.

**EXECUTIVE ACTION ON SB 411**

00:55:28 **Motion:** Rep. Stoker moved that **SB 411 BE CONCURRED IN.**

**Discussion:**

00:55:50 Rep. Rice  
00:56:12 Rep. Gallik  
00:57:00 Rep. Kottel

00:57:57 **Vote:** Motion that **SB 411 BE CONCURRED IN** carried 12-5 by voice vote with Reps. Koopman, Kerns, Peterson, Jore, and Rice voting no. Rep. Everett voted by proxy. Rep. Gallik to carry on House Floor.

**EXECUTIVE ACTION ON SB 278**

00:59:05 **Motion:** Rep. Stoker moved that **SB 278 BE CONCURRED IN.**

**Discussion:**

00:59:16 Rep. Kerns  
00:59:33 Rep. Ward  
00:59:47 Rep. Raser  
01:01:14 Rep. McGillvray  
01:01:36 Rep. Koopman  
01:02:34 Rep. Peterson  
01:03:04 Rep. French

01:03:52 **Vote:** Motion that **SB 278 BE CONCURRED IN** failed 4-13 by roll call vote with Reps. French, Raser, Driscoll, and Kottel voting aye. Rep. Everett voted by proxy.

01:04:35 **Motion/Vote:** Rep. Stoker moved that **SB 278 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Everett voted by proxy.

**ADJOURNMENT**

Adjournment: 7:16 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh70bad.pdf](#))**